

## § 1049.1

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AUTHORITY: Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674).

SOURCE: 39 FR 31288, Aug. 28, 1974, unless otherwise noted.

### Subpart—Order Regulating Handling

#### GENERAL PROVISIONS

#### § 1049.1 General provisions.

The terms, definitions, and provisions in part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

#### DEFINITIONS

#### § 1049.2 Indiana marketing area.

*Indiana marketing area* (hereinafter referred to as the "marketing area") means all of the territory within the boundaries of the following counties, including territory wholly or partly within such boundaries occupied by Government (municipal, State, or Federal) reservations, installations, institutions or other similar establishments:

(a) In Indiana, the counties of:

Adams, Allen, Bartholomew, Blackford, Boone, Brown, Cass, Clay, Clinton, Decatur, De Kalb, Delaware, Elkhart, Fayette, Fountain, Franklin, Fulton, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jackson, Jay, Jefferson, Jennings, Johnson, Kosciusko, Lagrange, Lake, La Porte, Lawrence, Madison, Marion, Marshall, Miami, Monroe, Montgomery, Morgan, Noble, Owen, Parke, Porter, Putnam, Randolph, Ripley, Rush, St. Joseph, Shelby, Starke, Steuben, Switzerland, Tippecanoe, Tipton, Union, Vermillion, Vigo, Wabash, Warren, Wayne, Wells, Whitley.

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(b) In Michigan, the counties of:

Berrien, Branch, Cass, St. Joseph.

[42 FR 56950, Oct. 31, 1977]

#### § 1049.3 Route disposition.

*Route disposition* means a delivery (including that packaged for another person, another distributing plant, disposition from a plant store or from a distribution point, and distribution by a vendor or vending machine) of any packaged fluid milk product classified as Class I milk other than a delivery in bulk form to any milk or filled milk processing plant.

[58 FR 43513, Aug. 17, 1993]

#### § 1049.4 [Reserved]

#### § 1049.5 Distributing plant.

*Distributing plant* means a plant approved by any duly constituted health authority for the processing or packaging of milk for fluid consumption in the marketing area and from which there is route disposition during the month in the marketing area.

#### § 1049.6 Supply plant.

*Supply plant* means a plant in which some milk approved by any duly constituted health authority for fluid consumption in the marketing area is assembled and shipped in bulk as a fluid milk product and is physically unloaded and received into a distributing plant during the month.

[58 FR 43513, Aug. 17, 1993]

#### § 1049.7 Pool plant.

Except as provided in paragraph (c) of this section, *pool plant* means:

(a) A distributing plant with:

(1) Total route disposition of not less than 40 percent during each of the months of September through February, 35 percent during each of the months of March through July, and 30 percent during the month of August, of its total receipts of fluid milk products (including milk diverted from such plant but excluding bulk fluid milk products received by transfer or diversion from other plants as Class II or Class III milk) that are approved by a duly constituted health authority for